

**§ 678.7 Prohibitions.**

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, and except as permitted under § 678.29, it is unlawful for any person to do any of the following:

(1) Fish for, purchase, trade, barter, or possess or attempt to fish for, purchase, trade, barter, or possess the following prohibited species:

Basking sharks-Cetorhinidae  
Basking shark, *Cetorhinus maximus*  
Mackerel sharks-Lamnidae  
White sharks-*Carcharodon carcharias*  
Sand tiger sharks-Odontaspidae  
Bigeye sand tiger, *Odontaspis noronhai*

Sand tiger shark, *Odontaspis taurus*  
Whale sharks-Rhincodontidae  
Whale shark, *Rhincodon typus*

(2) Sell shark from the management unit or be exempt from the bag limits without a vessel permit as specified in § 678.4(a)(1).

(3) Purchase, trade, or barter, or attempt to purchase, trade, or barter, a shark from the management unit without an annual dealer permit, as specified in § 678.4(a)(2).

(4) Falsify information required in § 678.4(b) and (c) on an application for a permit.

(5) Fail to display a permit, as specified in § 678.4(h).

(6) Falsify or fail to provide information required to be maintained, submitted, or reported, as specified in § 678.5.

(7) Fail to make a shark available for inspection or provide data on catch and effort, as required by § 678.5(d).

(8) Falsify or fail to display and maintain vessel identification, as required by § 678.6.

(9) Falsify or fail to provide requested information regarding a vessel's trip, as specified in § 678.10(a).

(10) Fail to embark an observer on a trip when selected, as specified in § 678.10(b).

(11) Assault, resist, oppose, impede, harass, intimidate, or interfere with a NMFS-approved observer aboard a vessel or prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his/her duties aboard a vessel.

(12) Fail to provide an observer with the required food, accommodations, ac-

cess, and assistance, as specified in § 678.10(c).

(13) Remove the fins from a shark and discard the remainder, as specified in § 678.22 (a)(1).

(14) Possess shark fins, carcasses, or parts on board, or offload shark fins from a fishing vessel, except as specified in § 678.22, or possess shark carcasses or parts on board, or offload shark fins, carcasses, or parts from a vessel, except as specified in § 678.22(a)(2) and (3).

(15) Fail to release a shark that will not be retained in the manner specified in § 678.22(b).

(16) Land, or possess on any trip, shark in excess of the vessel trip limit, as specified in § 678.22(c)(1).

(17) Transfer a shark at sea, as specified in §§ 678.22(c)(2) and 678.23(e).

(18) Fillet a shark at sea, as specified in § 678.22(d), except that sharks may be eviscerated and the head and fins may be removed.

(19) Exceed the bag limits, as specified in § 678.23 (a) through (c), or operate a vessel with a shark on board in excess of the bag limits, as specified in § 678.23(d).

(20) Sell, trade, or barter, or attempt to sell, trade, or barter, a shark harvested in the EEZ, except as an owner or operator of a vessel with a permit, as specified in § 678.25(a), or sell, trade, or barter, or attempt to sell, trade or barter, a shark from the management unit, except as an owner or operator of a vessel with a permit, as specified in § 678.26.

(21) Purchase, trade, or barter, or attempt to purchase, trade or barter, shark meat or fins from the management unit from an owner or operator of a vessel that does not possess a vessel permit, as specified in § 678.26(b); or sell, trade, or barter, or attempt to sell, trade, or barter, a shark from the management unit, except to a permitted dealer, as specified in § 678.26(d).

(22) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter, shark fins that are disproportionate to the weight of carcasses landed, as specified in § 678.26(c).

(23) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized

## § 678.8

property in connection with enforcement of the Magnuson-Stevens Act.

(24) During a closure for a shark species group, retain a shark of that species group on board a vessel that has been issued a permit under §678.4, except as provided in §678.24(a), or sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter a shark of that species group, as specified in §678.24.

(25) Fish for sharks with a drift gillnet that is 2.5 km or more in length or possess a shark aboard a vessel possessing such drift gillnet, as specified in §678.21.

(b) [Reserved]

[62 FR 16655, Apr. 7, 1997]

### § 678.8 Facilitation of enforcement.

See §620.8 of this chapter.

### § 678.9 Penalties.

See §620.9 of this chapter.

### § 678.10 At-sea observer coverage.

(a) When requested by the Science and Research Director, an owner or operator of a vessel for which a permit has been issued pursuant to §678.4 must advise the Science and Research Director in writing not less than 10 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time); and

(2) Expected landing information (port, dock, and date).

(b) If a vessel's trip is selected by the Science and Research Director for observer coverage, the owner or operator of such vessel must accommodate an NMFS-approved observer.

(c) An owner or operator of a vessel on which an NMFS-approved observer is embarked must—

(1) Provide, at no cost to the observer or the United States government, accommodations and food that are equivalent to those provided to the crew;

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties;

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position;

## 50 CFR Ch. VI (10–1–98 Edition)

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish; and

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish.

## Subpart B—Management Measures

### § 678.20 Fishing year.

The fishing year is January 1 through December 31.

### § 678.21 Gear restrictions.

A drift gillnet with a total length of 2.5 km or more may not be used to fish for shark. A vessel using or having aboard a drift gillnet with a total length of 2.5 km or more may not possess a shark.

[59 FR 52457, Oct. 18, 1994]

### § 678.22 Harvest limitations.

(a) *Finning*. (1) The practice of “finning,” that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited in the EEZ or aboard a vessel that has been issued a permit pursuant to §678.4.

(2) Shark fins that are possessed aboard or off-loaded from a fishing vessel must be in proper proportion to the weight of carcasses. That is, the weight of fins may not exceed five percent of the weight of the carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on the weighout slips submitted by the vessel owner or operator under §678.5(a).

(3) Shark fins may not be possessed aboard a fishing vessel after the vessel's first point of landing.

(b) *Release*. A shark that is harvested in the EEZ or harvested by a vessel that has been issued a permit pursuant to §678.4 that is not retained—

(1) Must be released in a manner that will ensure maximum probability of survival; and